

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of:	Regular Meeting of Milpitas City Council
Date:	Tuesday, February 18, 2014
Time:	6:30 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

ROLL CALL

Mayor Esteves called the meeting to order at 6:30 PM. City Clerk Mary Lavelle noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Polanski, Councilmembers Gomez and Montano

ABSENT: Councilmember Giordano was absent at roll call and arrived at 6:40 to participate in the Closed Session.

CLOSED SESSION

City Council convened in Closed Session to discuss litigation

City Council then convened in Open Session at 7:07 PM.

ANNOUNCEMENT

No announcement out of Closed Session.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Mr. Long Pham of Adonia Nissi Christian Church in Milpitas offered the invocation prayer.

MINUTES

Motion: to approve the meeting minutes of February 4, 2014 City Council meeting

Motion/Second: Vice Mayor Polanski/Councilmember Giordano

Motion carried by a vote of:	AYES: 5
	NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedule of Meetings for February and March 2014

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of:	AYES: 5
	NOES: 0

PRESENTATION

Mr. Patrick Yung from the Barbara Lee Senior Center's calligraphy class presented a new piece of art work to the City Council, upon reaching its 60th anniversary.

PUBLIC FORUM

Praveena Mouli, a new resident of Milpitas, recently went to the Community Center to sign up her child for classes. She provided feedback to City Council about the need for more and varied classes for small children.

Robert Marini, Milpitas resident, discussed water fee rate increases, which were higher with no explanation. He urged ratepayers to contact the City about the calculations.

Liz Ainsworth, Chamber of Commerce Board President, brought copies of new City of Milpitas maps to distribute to the City Council. She thanked the Milpitas Post for publishing the maps.

Tom Valore, Chief Financial Officer of the Chamber of Commerce, announced March 7 as the date of the annual Crab Feed event for his organization. He expressed where tickets would be available for sale, and he could hand deliver the tickets, if needed.

Howard Young, a 12 year resident of Milpitas, spoke of odors in the City and recent news regarding the Newby Island lawsuit. He supported City of Milpitas in its efforts to improve the situation for kids and residents. The bad odors must be corrected and was important to all residents. He thanked the Council for efforts in the beautiful small city on behalf of residents.

ANNOUNCEMENTS

City Manager Tom Williams asked the Public Works Director to speak to City Council on the drought. Mr. Jeff Moneda explained the City was in a voluntary compliance stage for a 10% reduction of water usage. A door hanger was prepared by City staff encouraging saving water with specific conservation tips. He reviewed several of those for Council and the public.

Councilmember Montano asked if there was information about low-flow toilets on the door hanger. Mr. Moneda reported there was information on Bay Area Water Supply and Conservation Agency (BAWSCA) and Santa Clara Valley Water District, containing links to some programs to help homeowners including toilets.

Vice Mayor Polanski congratulated the Community Advisory Commission and 203 volunteers who turned out last Saturday for the tree planting event. She noted the Green Thumb Garden Club which honored Mabel Mattos with the installation of a bench at Alviso Adobe Park placed in her memory on Saturday, where she and the Mayor attended.

Mayor Esteves said the City Council appreciated all the volunteers and CAC members at Saturday's City-wide tree planting.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Ogaz asked City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

Councilmember Montano requested to remove agenda items No. 4 (grant for bullet proof vests), No. 6 (donation from JDSU), No. 12 (2014 road rehab.), and No. 14 (agreement with medical doctor for Fire Department) from the consent calendar.

Councilmember Giordano requested to remove agenda item no. 1 (vote to remove Commissioner).

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

* 2. Commission Appointments Approved two appointments, recommended by Mayor Esteves:

Community Advisory Commission: appointed Dau Do as Alternate No. 3 (currently Alternate No. 4) to a term that will expire in January 2016.

Sister Cities Commission: newly appointed Tim Chang as Alternate No. 2 to a term that will expire in September 2015

* 5. Commissioners 2014 Recognition Event Approved the 2014 Commissioners Recognition Event as a catered luncheon on Saturday, April 26, 2014 at Milpitas Community Center, in an amount not to exceed \$8,000.

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that city's program specifically for Milpitas. It was a method for the developer to pay for art as a community benefit.

Councilmember Giordano said the City could require they allocate 1% or 2% to start a fund for art. She liked the Public Art in-lieu fee concept, as stated on the list from staff. The City could collect funds over time and then place an art piece in the most needed area of the City, when ready.

Vice Mayor Polanski agreed with Councilmember Giordano. An art piece was not appropriate or needed at every development, but starting a fund was a good idea, to ultimately place art around the City.

Councilmember Gomez responded that the "devil was in the details." The percentage for such a fee mattered, with costs to be passed on to homebuyers.

Mr. McHarris reported to the Council that staff would survey other cities on such a possible in lieu fee for public art.

Mayor Esteves was always in favor of art in new developments, and always asked about that. It did not need to be in Conditions of Approval if there was a public art fund, he suggested. They would need to propose some equitable fees, he felt.

Councilmember Montano asked that in the details, staff refer to the Brea plan.

Motion: to receive the staff report and direct staff to do research in favor of public art, with an option for a new public art in lieu fee, to return to City Council with a report and analysis, then possibly later an ordinance regarding a new fee for public art

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

Robert Marini, Milpitas resident, referred to asking private developers to create art, and how that could be political or controversial in nature. He asked to consider carefully what the approval method would be permitted in the City.

NEW BUSINESS

- 4. Grant for Bullet Proof Vests** Councilmember Montano asked if the bullet proof vests were part of the National Institutes of Justice standard, and Police Commander Charlotte Pang replied yes, all vests were NIJ-certified.

Motion: to accept the 2013 Bulletproof Vest Partnership (BVP) grant and approve an appropriation in the amount of \$4,835.98 into the Police Department's operating budget

Motion/Second: Councilmember Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

- 6. JDSUniphase Donation** Councilmember Montano asked if the amount of the donation was for in-kind services, or a monetary donation. Staff replied it was cash money.

Motion: to accept a donation from JDS Uniphase in the amount of \$1,008.98 to be incorporated into the Recreation Division budget for Milpitas Volunteer Partners (MVP)

Motion/Second: Councilmember Montano/Councilmember Giordano

Motion carried by a vote of:

AYES: 5

NOES: 0

7. Chamber of Commerce event

City Manager Tom Williams reported this request was a repeat of what Council heard earlier last year, and now on agenda at this time for the same request to co-sponsor for specific dates in 2014. Chamber representatives were present.

Chamber of Commerce President Liz Ainsworth invited the Festival event Chairs to speak to the City Council about this special event. The Chamber sought the same partnership as requested last year for this barbecue festival (postponed).

Carla Kearin was excited for the upcoming festival, and it would be tied in to a 1950's theme at the City's 60th year celebration.

All Councilmembers provided positive comments and support for the planned community event in the spring.

Robert Marini, resident, asked if the City Council provided more money to the Chamber, and it seemed like a "double hit." City Manager Williams responded with some history on past funding. Mr. Tom Valore, CFO of Chamber, further responded to Mr. Marini.

Motion: to approve the City of Milpitas serving as co-sponsor of the Milpitas Chamber of Commerce's International BBQ and Festival to be held May 31 and June 1, 2014, to waive all itemized fees totaling \$14,612.14, and to allow use of 60th anniversary logo

Motion/Second: Vice Mayor Polanski/Councilmember Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

ORDINANCES

8. Ordinance No. 65.143

City Manager Williams explained the correction needed in the building code related to wind speed, with new text proposed with proper speeds included in two sections.

City Attorney Mike Ogaz read aloud the title of the Ordinance No. 65.143, "An Ordinance of the City Council of the City of Milpitas Making Clerical Corrections to the Milpitas Building Ordinance Codified in Chapter 3 of Title II of the Milpitas Municipal Code."

Motion: to waive the first reading beyond the title of Ordinance No. 65.143

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

Motion: to introduce Ordinance No. 65.143, relating to Building Code correction

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

9. Ordinance No. 208.49

City Manager Williams reported to the Council that this sanitary sewer ordinance update was presented a "housekeeping" matter to permit Milpitas to stay consistent with the City of San Jose ordinance. There were no questions.

City Attorney Mike Ogaz read aloud the title of the Ordinance No. 208.49, "An Ordinance of the City Council of the City of Milpitas Amending Chapter 2 of Title VIII of the Milpitas Municipal Code Relating to Updates to the Milpitas Sanitary Ordinance."

Motion: to waive the first reading beyond the title of Ordinance No. 208.49

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

Motion: to introduce Ordinance No. 208.49 to repeal and replace Title VIII, Chapter 2, Article V of the Milpitas Sanitary Code

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

BID & AGREEMENTS

Six items were approved on consent calendar.

12. 2014 Road Rehabilitation Projects

Councilmember Montano inquired about one site on Abel St. where there was a lot of construction ongoing and whether it would be repaired in 2014. Engineer Steve Chan explained that area was excluded from this project, since the developer was already improving that segment, south Abel near Main St. She asked if the project funds came from TOT (Transient Occupancy Tax) funds and staff replied yes, in part.

Motion: to approve the Plans and Specifications for 2014 Road Rehabilitation, Projects No. 4270, No. 4264 and No. 3412; and, authorize advertisement for bid proposals, pending Caltrans project approval and issuance of an E-76 clearance for this road rehabilitation project

Motion/Second: Councilmember Montano/Councilmember Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

14. Amend Agreement with Dr. Howard Michaels

Councilmember Montano wanted to be enlightened about why the City contracted with this doctor. Purchasing Agent Chris Schroeder explained the certification needed for the city's paramedic EMT program. The City was working with EMS Chiefs county-wide to develop bid specifications to be able to replace Dr. Michaels for the program.

Fire Chief Mihovich explained the reason for Dr. Michaels to oversee program for EMT, which included the necessity for him to approve dispensing of certain narcotics and other medical decisions by paramedics at an emergency response.

Motion: to approve Amendment No. 2 to extend the Professional Services Agreement with Dr. Howard Michaels to provide Medical Director Services to the Milpitas Fire Department from April 1, 2014 to December 31, 2015 for the not-to-exceed amount of \$31,500 for a total value of \$85,500

Motion/Second: Vice Mayor Polanski/Councilmember Montano

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT

Mayor Esteves adjourned the meeting at 8:44 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*